IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

Bail Appl..No. 6021 of 2007()

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CRIME NO. 1657/2007 OF ALUVA POLICE STATION

PETITIONERS/ACCUSED 1 AND 2

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1. R.SOORAJ, S/O RAMACHANDRAN PILLAI,
   KUNNUMPURATHU HOUSE, KARIMBALLOOR,
   PARIPPILLY, KOLLAM.

2. BIJU, S/O GOPALAN,
   PUTHENPURAYIL HOUSE, PATHIYOOR,
   ERUVAKIZHAKKUMURY, ALAPPUZHA.

BY ADV. SRI.JOY GEORGE

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY THE
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
   ALUVA POLICE STATION, ALUVA.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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**B.A.No. 6021 of 2007**

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Dated this the 4th day of October, 2007

**ORDER**

Application for regular bail. Petitioners are accused 1 and 2. They face allegations in a crime registered for the offences punishable under the Essential Commodities Act. The petitioners are the driver and the cleaner of the vehicle which was allegedly used for the transportation of ration rice without any legal authority. They were transporting the said rice on behalf of some other persons. Some of them have been arrayed as accused. The petitioners were arrested on 21.9.07. They continue in custody from that date.

2, The learned counsel for the petitioners submits that the petitioners are absolutely innocent. They are only the driver and cleaner of the lorry . The petitioners are not possessed with facilities to insist that there are valid documents for the transportation of the commodities, submits the learned counsel for the petitioners.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the investigation is not complete. The petitioners may not be enlarged on bail, at this stage, it is submitted. Not withstanding of the opposition, I am satisfied that the petitioners who are only employees/crew of the lorry who have

remained in custody from 21.9.07 can now be released on bail, subject to appropriate conditions

4. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) They shall execute bonds for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of two months. Thereafter, they shall make themselves available for interrogation as and when directed by the investigating officer in writing to do so.

**(R.BASANT, JUDGE)**

sj